



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,650	06/19/2000	Robert A. Luciano	83336.0993	4935

66880 7590 08/30/2007
STEPTOE & JOHNSON, LLP
1330 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
----------	--------------

3724

MAIL DATE	DELIVERY MODE
-----------	---------------

08/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/596,650

Applicant(s)

LUCIANO ET AL.

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-25 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on 08/21/07. The finality of the last action has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 24, 27, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherford (5,505,551) in view of Horniak et al. (5,833,104).

Regarding claims 23 and 24, Rutherford discloses (Fig. 1-15) the invention substantially as claimed including a fan folded strip media 10 having a plurality of pieces of media (see Fig. 4B), a surface (see Fig. 1), a first side (see Fig. 1, a left tear side of an individual item 14), a second side (see Fig. 1, a right tear side of an individual item 14), a center portion (see Fig. 1, a center tear portion of an individual item 14), a plurality of perforation 16, a plurality of bridges (see Fig. 1, the spaces between the perforations), a tear bar 38C-D, a first side portion 94 having a tapered surface (see Fig. 14, a right side portion of a high point 94) adapted to abut the surface of the plurality of pieces of media, the distance between the surface of the one of the plurality of pieces of media and the tear bar increases as the tear bar is traversed in the direction from the

Art Unit: 3724

first side of the one of the plurality of pieces of media towards the center portion of the media (see Fig. 14, where the distance between the side portion 94 and the sheet 10 is smaller than the distance between the center portion 96 and the sheet 10), a second side portion surface (see Fig. 14, a left side portion of a high point 94), wherein the tear bar is rotationally fixed; and *a center portion 69* (see col. 7, lines 16-18, where the lower point 69 tears the perforated sheet at the center portion). Rutherford doesn't show a roughened surface. However, Horniak et al. teaches the use of a roughened surface for the purpose of providing frictional surface for engaging the ticket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the side portions and center portion of Rutherford by providing the roughened surface as taught by Horniak et al. in order to obtain a device that provides more friction to surface of the strip for helping to tear the strip.

- Claim 28; the plurality of perforations are arranged substantially in a line (see Fig. 1).
- Claim 29; corner treatments 18.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherford (5,505,551) in view of Horniak et al. (5,833,104).

Regarding claims 30 and 32, Rutherford discloses (Fig. 1-15) the process substantially as claimed including the step of: providing a fan folded strip media 10 having a plurality of pieces of media (see Fig. 4B), a surface (see Fig. 1), a first side (see Fig. 1, a left tear side of an individual item 14), a second side (see Fig. 1, a right tear side of an individual item 14), a center

Art Unit: 3724

portion (see Fig. 1, a center tear portion of an individual item 14), a plurality of perforation 16, a plurality of bridges (see Fig. 1, the spaces between the perforations); providing a tear bar 38C-D, a first side portion 94 having a tapered surface (see Fig. 14, a right side portion of a high point 94) adapted to abut the surface of the plurality of pieces of media, the distance between the surface of the one of the plurality of pieces of media and the tear bar increases as the tear bar is traversed in the direction from the first side of the one of the plurality of pieces of media towards the center portion of the media (see Fig. 14, where the distance between the side portion 94 and the sheet 10 is smaller than the distance between the center portion 96 and the sheet 10), a second side portion surface (see Fig. 14, a left side portion of a high point 94), and wherein the tear bar is rotationally fixed; positioning the media, so that the first side is positioned in close relative proximity to the first side portion and the second side is positioned in close relative proximity to the second side portion (see Fig. 2 and 14), the plurality of perforations and bridges (see Fig. 1), applying a longitudinal force to the end portion (see col. 6, lines 55-57, where the high point 96 aids in the separation of transverse lines 16 by resisting the longitudinal movement of the media); and *a center portion 69* (see col. 7, lines 16-18, where the lower point 69 tears the perforated sheet at the center portion). Rutherford doesn't show a roughened surface. However, Horniak et al. teaches the use of a roughened surface for the purpose of providing frictional surface for engaging the ticket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the side portions and center portion of Rutherford by providing the roughened surface as taught by Horniak et al. in order to obtain a device that provides more friction to surface of the strip for helping to tear the strip.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ofs
8/27/2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER